

***Before the  
Federal Communications Commission  
Washington, DC 20554***

In the Matter of	)	
	)	
Creation of a Low Power Radio Service	)	MB Docket No. 99-25
	)	
Amendment of Service and Eligibility	)	MB Docket No. 07-172
Rules for FM Broadcast Translator	)	
Stations	)	

To: The Commission

**REPLY OF  
FOUR RIVERS COMMUNITY BROADCASTING CORPORATION  
TO OPPOSITIONS TO PETITIONS FOR RECONSIDERATION**

Four Rivers Community Broadcasting Corporation (Four Rivers), through its attorneys and pursuant to Section 1.429 of the rules, hereby files this reply in response to the oppositions to the Petitions for Reconsideration filed by various parties in the above-referenced proceeding. In support thereof, the following is shown:

1. Four Rivers is the licensee of numerous noncommercial educational (NCE) radio facilities in Pennsylvania. Four Rivers and its predecessor organization have provided NCE service to the public for over 30 years. While most of its NCE network consists of full-power NCE stations, the reach of Four Rivers' service is enhanced by carefully planned translators that have been located where full-service facilities are not feasible.

2. Four Rivers filed a number of applications in several markets during the 2003 translator filing window. All of these applications were designed to address public service objectives; none were filed for speculative purposes. Among these

applications are several that propose service within the Philadelphia market and others that would not preclude construction of a Low Power FM (LPFM) station at any location. An engineering exhibit in such cases would be easy to prepare so as to demonstrate that no LPFM opportunities would be precluded at any location whatsoever by a particular translator application.

3. Four Rivers recognizes the need for the Commission to provide LPFM opportunities at the expense of some translator applications filed in the 2003 window and fully supports such efforts. The goal of encouraging and facilitating the development of a robust LPFM service is reasonable and appropriate. In this regard, Four Rivers agrees that the one-to-a-market cap can result in preclusion of LPFM opportunities at nearby locations outside the grids but near the proposed translator site. At the same time, however, the blanket one-to-a-market cap defended by LPFM proponents<sup>1</sup> and adopted by the Commission is fundamentally unfair and undermines the intent of the Local Community Radio Act to provide some balance between the interests of translator and LPFM applicants. Simply put, the notion a single translator is sufficient to cover any market is absurd; under these circumstances, the rote application of the one-to-a-market limit is patently arbitrary and unduly favors LPFM parties at the expense of potentially valuable translator service.

4. As an adjunct of the one-to-a-market cap, Four Rivers proposes a standard that is both equitable and easy to administer. Specifically, once an FM translator applicant has selected its proposal to prosecute pursuant to the one-to-a-market rule, it should then be allowed to prosecute additional applications in

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<sup>1</sup> See Opposition to Petitions for Reconsideration of Prometheus Radio Project, pp. 8-9.

the same market that do not preclude the construction of an LPFM station at any location. At the same time, in order to place a reasonable control on speculative filings, this flexibility would be limited to the extent that (a) such translator applicants would only be permitted to one translator application per transmitter site; and (b) with the exception of fill-in translators, the 1 mV/m contour of a translator application filed in the 2003 window could not overlap any other 1 mV/m contour of another application also filed by the same applicant in the 2003 window. If the Commission is not disposed to adopt this proposal in its entirety, it should at the very least apply it to translators that propose fill-in service inasmuch as such proposals are accorded the highest priority when choosing among mutually exclusive translator applications. Prosecution of additional translator applications predicated on protecting all LPFM opportunities at all locations manifestly is in the public interest because it would (a) have absolutely no negative preclusive impact on LPFM opportunities and (b) result in new service to the general public by translators.

5. Four Rivers observes that at least one LPFM advocate has filed comments that support this approach in principle but entirely eliminate any practical enhancements of potential FM translator service by recommending a 30 kilometer radius limit.<sup>2</sup> Under Four Rivers' approach, such a restriction unnecessarily and unfairly constrains potential FM translator opportunities with no countervailing benefit; in any case, the Commission would simply require that beyond the one-to-a-market cap, an applicant would have to demonstrate that additional translator applications will not preclude construction of an LPFM at any location,

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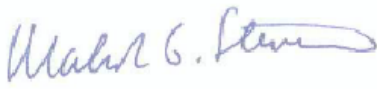
<sup>2</sup> See Partial Opposition to Petitions for Reconsideration filed by REC Networks, paras. 10-11.

and the failure to provide such an exhibit would result in the dismissal of the translator application.

WHEREFORE, Four Rivers respectfully requests that the Commission modify its rules governing the processing FM translator applications filed during the 2003 Window consistent with the views expressed herein.

Respectfully submitted,

FOUR RIVERS COMMUNITY  
BROADCASTING CORPORATION

By:   
Malcolm G. Stevenson

SCHWARTZ, WOODS & MILLER  
Suite 610  
1233 20<sup>th</sup> Street, N.W.  
Washington, D.C. 20036-7322  
202-833-1700/Telephone  
202-833-2351/Facsimile

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